

**INITIAL DISCLOSURE STATEMENT OF THE
THIRD-PARTY DEFENDANT, SPAGNOLO/GISNESS &
ASSOCIATES, INC., PURSUANT TO FED. R. CIV. P. 26(a)(1)**

Pursuant to Fed. R. Civ. P. 26(a)(1), the third-party defendant, Spagnolo/Gisness & Associates (“SGA”), makes the following initial disclosures to the plaintiff, Massachusetts Development Finance Agency and the third-party defendant, ADP Marshall, Inc. and third-party defendants, Allied Consulting Engineering Services, Inc., Andover Controls Corporation, R&R Window, Contractors, Inc., Delta Keyspan, Inc. N/K/A Delta, Keyspan, LLC, Maddison Associates, Inc., United States Fidelity and Guaranty Company, Fidelity and Deposit Company Of Maryland, National Grange Mutual Insurance Company, Travelers Casualty and Surety Company of America, American Home Assurance Company, and Hartford Roofing Company, Inc.

A. Individuals Likely to Have Discoverable Information

- 1 William Gisness, AIA
Spagnolo/Gisness & Associates, Inc.
200 High Street
Boston, MA 02110
2. Employees of other parties who participated in the design or construction. SGA does not have access to the identity of those individuals.

B. Description By Category and Location of All Documents, Data Compilations, and Tangible Things That are Relevant

SGA notes that discovery and investigation of this matter is ongoing. SGA will provide documents in its project file. All of the following groups of documents are located at Donovan Hatem LLP, Two Seaport Lane, Boston, MA 02210.

- 1 Correspondence;
2. Drawings; and
3. Contract.

C. Computation of Damages

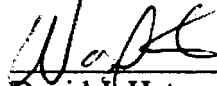
SGA seeks an award of its attorney's fees, costs, and any such other relief as is just and appropriate as provided by law.

D. Existence and Contents of any Insurance Agreements

SGA maintains a professional liability policy issued by XL Specialty Insurance Company and a copy of the declaration page of said policy is located at Donovan Hatem LLP, Two Seaport Lane, Boston, MA 02210.

Respectfully submitted,
**SPAGNOLO CONSULTING
ENGINEERING
SERVICES, INC.,**

By its attorneys,



David J. Hatem, PC

BBO No. 225700

Warren D. Hutchison

BBO No. 246150

Carly B. Goldstein

BBO No. 654731

DONOVAN HATEM LLP

Two Seaport Lane

Boston, MA 02210

Tel: (617)406-4500

Dated: _____

2/18/05

CERTIFICATE OF SERVICE

I, Warren D. Hutchison, Esquire, hereby certify that on this 18th day of February, 2005, I served the attached ***Initial Disclosure of Third-Party Defendant, Spagnolo/Gisness & Associates, Inc.*** by mailing a copy thereof, postage pre-paid to:

Charles A. Plunkett, Esq.
Edward F. Vena, Esq.
Sabatino F. Leo, Esq.
Vena, Riley, Deptula, LLP
250 Summer Street
Boston, MA 02210

John J. McNamara, Esq.
Eric A. Howard, Esq.
Domestico, Lane & McNamara, LLP
161 Worcester Road, Suite 302
Framingham, MA 01701

William E. O'Gara, Esq.
Stephen A. Izzi, Esq.
Holland and Knight, LLP
One Financial Plaza, Suite 1800
Providence, RI 02903

Allen Whitestone, Esq.
Black, Cetkovic & Whitestone
200 Berkeley Street
Boston, MA 02116

Andrew J. Tine, Esq.
Glenn H. Haese, Esq.
Richard J. Fox, Esq.
Haese LLC
70 Franklin Street, 9th Floor
Boston, MA 02110

James F. Kavanaugh, III, Esq.
Robert R. Pierce, Esq.
Pierce & Mandell, PC
11 Beacon Street, Suite 800
Boston, MA 02108-3002

Eric H. Loeffler, Esq.
Cetrulo & Capone LLP
Two Seaport Lane, 10th Floor
Boston, MA 02210

John H. Bruno, Esq.
Masi & Bruno
124 Long Pond Road, Unit 11
Plymouth, MA 02360



Warren D. Hutchison

00892284